

From: Lippolis, Lawrence CIV NAVINSGEN, N00K
Sent: Wednesday, April 12, 2017 8:43 AM
To: 'Charon, Justyn'
Cc: Christensen, April A CIV OGC, OGC
Subject: Information Pertaining to Navy OGC Consideration of FOIA Appeal 17-048 Mr. William Nye
Importance: High

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Thanks, Justin.

I've read over the attachments Mr. Nye provided, and I am inclined to recommend that the OGC appellate authority deny his appeal. The record clearly indicates NAVSEA closed the request pertaining to the NCIS referral of responsive records at Mr. Nye's insistence. NAVSEA has a great many FOIA requests and a large backlog due in part to the complexity of most of those requests.

Mr. Nye is certainly free to make a new FOIA request, but considering this appeal would have the effect of putting his request in front of the many requests that have been made since December 8, 2014. Had he complained about the decision to close the referral contained in the December 8, 2014 letter within a reasonable time after that letter, I might be inclined to give more consideration to Mr. Nye's reconsideration of his decision to insist that NAVSEA not process his referral under DON-Navy-2014-010321, which NAVSEA opened on his behalf in accordance with Navy policy on the use of FOIA OnLine.

I can't say for certain that the OGC Appellate Authority will agree with my views, but given the fact that Mr. Nye is likely to come back to you if Navy takes this approach, I wanted to give you an opportunity to present any argument or information to me that you think the Congressman would want the Appellate Authority to consider.

V/R, Larry

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